

## REMARKS

In the Final Office Action, the Examiner rejected the claims 1 – 12 as anticipated by the Benson et al. reference.

### 35 USC §102(e)

The **Benson** et al. reference U.S. Patent 6,651,169 discloses a method for protection of software. The software is preferably downloaded by the user although it may be on CDRom. The goal is to avoid using a dongle to prove the identity of the purchaser. The method uses an asymmetric confidentiality protocol that makes use of public and private keys and a nonce. Of significance is that the challenge means has no access to the private keying material.

A purchaser (customer) obtains software that has a challenge means embedded in it and the challenge means has embedded in it the public key of the vendor. The customer provides the customer's public key to the vendor, who generates a keyfile and sends the keyfile to the customer. The keyfile has the customer public key and is signed using the vendor private key.

The challenge means uses the vendor's public key embedded in the challenge means to validate the signature in the keyfile. Once validated, the customer's public key is extracted from the keyfile. An asymmetric confidentiality protocol is applied, using public key information to encrypt a nonce at the challenge side and private key information to decrypt it at the response side. The decrypted nonce is sent to the challenge side where it is compared to the original nonce. Given coincidence, access is provided.

Applicants respectfully disagree with the Examiner regarding the passage at col. 5, lines 46 – 55 of the prior art, in that Applicants submit that no teaching of a hardware module is provided therein. The reference to the electronic copy protection mechanism in the cited passage refers to the program code and electronic mail exchange, for example, and does not refer to a hardware module. The reference teaches away from the use of hardware modules (dongles) (see col. 1, lines 34 – 39).

The present invention provides quite a different method for protecting software. The present invention provides that a plurality of application programs are on a storage medium, such as a CDROM, and that the user may be authorized to access only one or a few of the many programs on the storage medium. So the present invention enables the user to access the authorized programs and prevents access to the other programs on the storage medium.

The preferred form of the present invention provides the following steps:

A user makes a purchase of one or more programs from a seller.

The seller encodes the copy protection code and list of purchased programs using a user identification code as the key (encode the private key of the vendor using the public key of the vendor).

The user receives a storage medium with several programs on it that include purchased programs and potentially others, OR downloads the software from Internet.

The user receives a dongle with copy protection code (a vendor private key).

The user receives user identification code (a vendor's public key).

The user receives a product code, (a vendor's public key).

The user runs an install program which asks for the copy protection code on dongle and the user identification and the product identification, (challenge means checks public and private key).

An authentication checks whether the install program and key program can be mutually invoked.

The product code is deciphered using the user identification code to get the copy protection code and list of user programs, (use public key to get private key).

Checks are made as to the presence of the user programs.

A comparison of the copy protection code and the dongle is made, (challenge private key to private key).

The user installs the needed programs.

The copy protection code is saved to memory by the key program.

When running the user program, the copy protection code is compared to the dongle.

The claimed steps are not shown in the order and combination by the prior art.

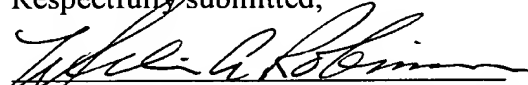
According to the new claims, a further application program is released using the same user identification, and the programs are release to the user program-by-program.

The claims of the present application define an invention that is distinguished over the prior art and further is a non-obvious improvement thereover. As such, withdrawal of the rejection and favorable consideration of the present application is hereby requested.

**Conclusion**

Favorable reconsideration and allowance of the application is hereby requested.

Respectfully submitted,



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